



**COMPLIANCE:** The project is exempt from environmental review pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the Implementing guidelines of the California Environmental Quality Act.

**ITEM NO. 3.** Modification Permit No. MD2009-029 (PA2009-113)  
2800 West Coast Highway Council District 3

**SUMMARY:** A modification permit request to allow the construction of a combination block wall and glass fence located within the front yard setback that will encroach to within 4 feet 8 inches of the street side property line. The fence has an overall height of 8 feet as measured from the top of the adjacent sidewalk along West Coast Highway. The fence is proposed in conjunction with the addition of accessory outdoor dining to the existing restaurant facility. The property is located in the SP-5 Mariner's Mile Specific Plan (Retail Service Commercial) District.

**RECOMMENDED  
ACTION:**

- 1) Conduct public hearing; and
- 2) Approve Modification Permit No. MD2009-029 (PA2009-113) subject to the recommended findings and conditions.

**CEQA**

**COMPLIANCE:** The project is exempt from environmental review pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the Implementing guidelines of the California Environmental Quality Act.

**APPEAL PERIOD:** The Zoning Administrator's decision does not become effective until 14 days after the date of action during which time an appeal may be filed with the Planning Commission.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any writings or documents provided to the Zoning Administrator regarding any item on this agenda will be made available for public inspection in the office of the Planning Department located at 3300 Newport Boulevard during normal business hours.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact the Planning Department at least 49 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.